

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRIENNE SPLITTGERBER,)	Case No. 8:17-cv-280
)	
)	
Plaintiff)	
vs.)	
)	
BRADLEY RICE, et al.)	
)	
Defendant.)	

ANSWER TO AMENDED COMPLAINT
AND DEMAND FOR JURY

Comes now the Defendant Bradley Rice, by and through counsel, and for his Answer to the Amended Complaint (Complaint) states as follows:

- 1) the Defendant denies each and every allegation in the Complaint except those specifically admitted herein and those allegations which constitute admissions against the interest of the Plaintiff.
- 2) The defendant admits that the Plaintiff filed this action but denies the remaining allegations of Paragraphs 1, 2 & 3 of the Complaint.
- 3) The Defendant admits this court has jurisdiction and venue to hear this claim but denies the remaining allegations of Paragraph 3 of the Complaint.
- 4) The Defendant admits Paragraphs 4, 5, 6, 7, 8, 9, and 10 of the Complaint.
- 5) The Defendant admits that Plaintiff filed discrimination charges with the Nebraska Equal Opportunity Commission but deny the remaining allegations of Paragraph 11 of the Complaint.
- 6) The Defendant admits that the Plaintiff was a candidate for employment with the Nebraska State Patrol as generally alleged in Paragraph 12 of the Complaint but has

insufficient information to either admit or deny the remaining allegations of Paragraph 12 and therefore denies same.

- 7) The Defendant has insufficient information to either admit or deny the allegations in Paragraphs 14, 15, 16 & 17 of the Complaint and therefore denies same.
- 8) The Defendant admits that the Plaintiff requested a meeting with the Defendant Rice concerning the status of her claimed investigation but denies the remaining allegations of Paragraph 18 of the Complaint.
- 9) The Defendant admits that Exhibit A attached to the Plaintiff's Complaint is a genuine copy of an email as alleged in Paragraph 19 of the Complaint.
- 10) The Defendant denies the allegations in Paragraphs 20, 21, 22, 23 & 24 of the Complaint.

SECOND CLAIM FOR RELIEF

- 11) As to Paragraph 25, the Defendant incorporates by reference paragraphs 1 through 12 herein.
- 12) The defendant admits that portion of paragraph 26 of the amended complaint alleging that the plaintiff was required to undergo a preemployment physical examination but denies the remaining allegations.
- 13) The defendant denies paragraphs 28, 29, 30 and 31.

SECOND CLAIM FOR RELIEF

- 14) The Defendant admits the allegations of paragraph 34 that he is a person within the meaning of 42 U.S.C. §1983.
- 15) The Defendant denies the allegations of Paragraph 35 of the Complaint.
- 16) The Defendant admits the allegations of Paragraph 35 of the Complaint that at all relevant times he was acting under color of authority of state law.

- 17) The Defendant denies the allegations of Paragraph 35 of the Complaint.
- 18) The Defendant neither admits or denies the remaining allegations of the Complaints on Counts which have been dismissed or that do not relate to this defendant

AFFIRMATIVE OR OTHER DEFENSES

- 19) The Complaint fails to state a claim upon which relief can be granted.
- 20) The Defendant is entitled to the defense of qualified immunity.
- 21) The Plaintiff's claims are barred by the statute of limitations.
- 22) The Plaintiff's claim may be barred by the *Ellerth-Faragher* affirmative defense.

WHEREFORE, the Defendant prays that the Amended Complaint be dismissed at Plaintiff's cost, and that the Defendant recover costs and attorney's fee in the defense of this matter as may be provided by law.

BRADLEY RICE, Defendant

s/Robert B. Creager
Robert B. Creager # 15370
ANDERSON, CREAGER &
WITTSTRUCK, P.C. LLO
1630 K Street
Lincoln, NE 68508
(402) 477-8800
Attorney for Defendant

JURY DEMAND

The defendant demands trial by jury in Lincoln, Nebraska.

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2017 I electronically filed the foregoing with the Clerk of the District Court, using the CM/ECF system, which sent notification of such all parties in interest in this case.

/s/ Robert B. Creager
Robert B. Creager, #15370